

Approved by Planning Board on 10/17/19

MINUTES

Baltimore County Planning Board Meeting

October 3, 2019

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Baltimore County Planning Board**

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3. Resolution 73-19 Planning Board – Conversion of Commercial Space-Condominium/Apt. style buildings

Adjournment of the Board Meeting

Appendices

Appendix A Staff Report to the Baltimore County Planning Board on Council Resolution 73-19 - Conversion of Commercial Space-Condominium/Apt. style buildings

***Note:** A copy of the appendices is located in the official Planning Board files.*

Minutes October 3, 2019

Call to Order, Introduction of Board Members

Chairman Phillips called the meeting to order at 4:46 p.m. The following members were:

<u>Present</u>		<u>Absent</u>
1. Mr. N. Scott Phillips	9. Mr. Steven Heintz	1. Ms. Christina Berzins
2. Mr. Bob Schweitzer	10. Mr. Wayne McGinnis	2. Mr. Howard Perlow
3. Ms. Cathryn Pinheiro	11. Ms. Lori Graf	
4. Mr. Paul Hartman	12. Mr. Jon Herbst	
5. Mr. C. Scott Holupka	13. Mr. Todd Warren	
6. Ms. Nancy Hafford		
7. Ms. Cathy Wolfson		
8. Mr. Mark Heckman		

County staff present included Pete Gutwald, Jeff Mayhew, Jenifer Nugent, Lloyd Moxley, Joe Fraker and Myles Muehlberger from the Department of Planning. Mr. Heintz and Mr. Warren arrived at 4:51 and 4:53 p.m. respectively.

Review of Today's Agenda

Chairman Phillips asked staff if any changes were made to the agenda. Mr. Muehlberger indicated that none were made.

Minutes of the September 19, 2019 Meeting

Chairman Phillips asked the Planning Board members if they had any questions regarding the minutes from the September 19th, 2019 meeting. No questions were posed and the Chair entertained a motion to accept the draft minutes. Ms. Wolfson made the motion and Ms. Hafford seconded the motion, which passed unanimously at 4:48 p.m. absent for the vote were Mr. Heinl, Mr. Warren, Ms. Berzins and Mr. Perlow.

Other Business

1. Recent County Council Legislation of Interest to the Board

Mr. Muehlberger provided a brief report on the recently passed County Council legislation which are listed below.

- a. Resolution 102-19 – Conditional Loan – MD Dept. of Commerce-Home Depot, USA, Inc.
- b. Resolution 103-19 – Approval of contributions of purchase of (5) Agricultural Easements – Maryland Agricultural Land Preservation Foundation
- c. Resolution 104-19 – Approval of applications and ranking of (15) Agricultural Easements – Maryland Agricultural Land Preservation Foundation
- d. Resolution 105-19 – Support of designation by the MD State Arts Council-Arts & Entertainment District-Catonsville
- e. Resolution 106-19 – Request – U.S. Board on Geographic Names - naming of tributary of Whitemarsh Run - “Carney Run
- f. Resolution 107-19 – Establishing a Pet Cemetery Legislative Policy Committee

Adjournment of the Board Meeting

Chairman Phillips called for a recess of the Board meeting, to allow the Public Hearing to occur, at 5:00 p.m.

Public Hearing by the Baltimore County Planning Board**

Call to Order, Introduction of Board Members, and Remarks on Procedure by Chairman

Items for Public Hearing

2. Resolution 73-19 Planning Board – Conversion of Commercial Space-Condominium/Apt. style buildings

Mr. Fraker gave a brief reintroduction of the resolution and staff report. No citizens signed up to speak at the hearing. The Chair then opened the floor for questions by the Board for Mr. Fraker.

Mr. Heckman brought up Staff's recommendation in its report "that future mixed-use structures limit the residential component to floors above the street level", and asked if staff was recommending conversion on ground level only be allowed for existing buildings and not future ones. Mr. Moxley responded by saying that future mixed-use developments should not be constructed with the intent to have residential units on the ground floor, but rather should be commercial until it is proven that retaining a retail use on the ground floor is unfeasible.

Mr. Holupka asked if a residential building was proposed in the urban area of the county would a ground floor residential use be allowed. Mr. Moxley responded that it would only apply to mixed-use structures.

Chairman Phillips confirmed that staff is not recommending the conversion of ground floor space be limited to dormitory use.

Mr. Hartman asked if the staff considered condominiums to be different in terms of impact on residents as they own a stake in the property. In response Mr. Moxley stated that in the broader sense of staff's research ownership is not a primary consideration and that properties are owned, whether they are condominiums or apartments.

Mr. Warren inquired whether the conversion prevents the developer or owner from going back to commercial from residential after a conversion. Mr. Moxley answered that staff's report has no recommendation to prohibit that and in researching the topic, other jurisdictions have encouraged the conversion back to commercial.

Mr. Schweitzer asked if the report considered the possibility of residential and commercial spaces coinciding with one another on the ground floor of a mixed-use building. Mr. Moxley replied that it was encountered in staff's research and that the residential component is usually camouflaged to appear as commercial. In staff's recommendations it was stated that the ground floor levels maintain an urban appearance compatible with the rest of the street across all uses.

Mrs. Hafford stated that in order for the commercial on the ground floors of the Downtown Towson district to remain viable more residents need to be in the area.

Adjournment of the Public Hearing

Chairman Phillips called for an adjournment of the Public Hearing at 5:11 p.m. and simultaneously reconvened the Board Meeting.

Meeting of the Baltimore County Planning Board

Items for Discussion and Possible Vote

3. Resolution 73-19 Planning Board – Conversion of Commercial Space-Condominium/Apt. style buildings

Mr. Heintz asked what is required of a landowner of a mixed-use property to demonstrate sufficiently a retail use on the ground floor is untenable. Mr. Moxley responded that in the report staff recommends a minimum of six month time period where the landowner has diligently pursued retail tenants to occupy the space.

Chairman Phillips entertained a motion to for the Planning Board to adopt staff's Report to the Board on Council Resolution 73-19 – "Conversion of Commercial Space-Condominium/Apt. style buildings" dated September 19, 2019, and recommend it be forwarded to the Baltimore County Council. Ms. Hafford made the motion, it was seconded by Ms. Pinheiro, and was passed unanimously at 5:14 p.m. absent for the vote were Ms. Berzins and Mr. Perlow.

Adjournment of the Board Meeting